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Civilian Secretariat for Police and Independent Police Investigative Directorate (IPID) 2014/15 Annual Report

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Police

15 October 2015

Chairperson: Mr F Beukman (ANC)

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Meeting Summary

The Civilian Secretariat for Police (CSP) and the Independent Police Investigative Directorate (IPID) presented their 2014/15 Annual Reports to the Committee, preceded by a brief analysis, on each, by a Parliamentary Researcher. In dealing with the report of IPID, the Researcher focused on certain areas only, and noted that the objective of IPID was to ensure independent oversight over the South African Police Service (SAPS) and the Municipal Police Services (MPS), to conduct independent and impartial investigations of identified criminal offences allegedly committed by members of SAPS and the MPS, and make appropriate recommendations. The IPID was still engaged in the re-alignment of its systems and processes to the new mandate. It appeared that IPID did not have an adequate financial budget to enable it to operate an effective workforce to deal with the demands, and it faced several HR, logistical and financial challenges. The Auditor General had found, amongst others, that the financial statements contained significant and material misstatements.

IPID then presented its Annual Report. It had received an unqualified audit opinion, but the reported non-financial performance, overall, was not satisfactory. Some cases handled by the IPID had been concluded, but an appreciable number of cases still appeared to be pending or unresolved. IPID had failed to achieve a significant number of its set targets in most of its programmes during the year under review, and these were fully described in the presentation. The most notable reason for such non-achievement of targets was attributed to lack of capacity. To overcome areas of under-performance, the IPID had decided to execute a number of plans and programmes. One statement that caused considerable consternation to the Committee was that, despite targets not being reached, the organisation had managed to award members of staff a high performance bonus. When this point was further addressed, it transpired that the bonuses may have been awarded in respect of performance in the 2013/14 year, but were paid only in the 2014/15 financial year. The bonuses for the 2014/15 performance had not been decided upon. Members demanded full details and expressed their strong views that no bonuses were warranted in respect of the 2014/15 performance. Other questions related to the steps to be taken to fill vacant posts, how it would address the ineffective leadership reported on by AGSA, how far the negotiations were on the City Forum Building lease, and what was meant by the fact that the National Commissioner was not to be prosecuted by the National Director of Public Prosecutions. Members also sought clarity on media reports that suspension orders and internal action had been taken against three staff members of the IPID, in a possible purge of the loyalists of Robert McBride, the suspended Executive Director of the IPID. Members wanted to know why targets could not be met, particularly given the increase in cases.

The Committee Researcher presented his analysis on the Annual Report of the Civilian Secretariat for Police (CSP). It had had several challenges in its performance and organisational environments. The Committee had previously made recommendations in respect of the CSP's programmes on administration, partnerships, policy and research, and legislation. The AGSA had given the CSP a qualified audit opinion with emphasis of matter, finding non-compliance with legislation, procurement and contract management, and commenting on shortcomings in human resources, audit committee, internal audit, and leadership, irregular expenditure, unauthorised expenditure, and underspending.

The Civilian Secretariat of Police then presented its Annual Report, with most of the presenters being in Acting positions. The mandate and function were set out, and it was noted that it was guided by outcomes in the MTSF, and by Government Outcomes 3, 12 and 14. The CSP Act had been promulgated in 2011 but the provision relating to the CSP becoming a designated department and the Secretary of Police assuming accounting officer responsibilities had been deferred, and this had only happened on 1 April 2014. The CSP was now a stand-alone entity, independent of the SAPS, and with responsibility for developing its own policies, procedures and systems. The vision of the CSP was to achieve a transformed and accountable police service that would reflect the values of the developmental state, and its goals were directed to this and to providing excellent support and advice to the Minister and support to the SAPS in the

fight against crime; enhanced accountability and transformation of the police service. Several of its aims were linked into the National Development Plan. The CSP had been able to achieve 82% of its targets while it had underachieved by 18%. The main achievements were outlined, for each programme. 107 of the 114 funded posts had been filled, with a 6% vacancy rate, but the critical posts not yet filled included Director IT, Secretary of Police and Chief Financial Officer. The key audit findings and the corrective measures decided upon and implemented were described. Verification of qualifications for current employees had commenced, and a vetting officer would be put in place. In respect of the audit committee, it was reported that this had now been put in place and was meeting. The biggest challenge was the finalisation of the agreements and implementation of the virtual private network of the CSP through State Information Technology Agency (SITA), but systems had been developed in consultation with National Treasury and the SITA.

Comments had been made by AGSA on key records of commitments, records of accruals, and a process for signing off of reports not being in place, but this was being addressed. There had been poor stakeholder participation and commitment in attending national task team meetings of Community Safety Forums (CSFs). Training programmes could not be implemented in two provinces due to other commitments of the provinces. Only 22% of targets for the legislative and policy programme were achieved, but the progress on all Bills was described. Another key audit finding was that performance targets were not specific or well-defined. 63% of targets for civilian oversight, monitoring and evaluation had been achieved, but some information had not been adequately captured on the monitoring tools and CSP did not have proper systems to validate information.

Members agreed that this report was not impressive, partially because of the qualifications, but also because of the material misstatements and failure to reach targets, and CSP was asked if it now had the right management or organisational team in place to achieve targets and goals. Members wanted to know how it intended to fill vacancies and if there was any back-up plan should appointees not take up their positions. Members were concerned about the vacancies, heard the explanation by CSP that they were below the maximum figure allowed, and that in view of over-expenditure and lack of funding filling of posts would be delayed, but also pointed out that they did expect to see some reduction. They questioned how reports were not signed off.

Meeting report

Independent Police Investigative Directorate (IPID) Annual Report 2014/15

Parliamentary Researcher's Analysis

Mr Thembani Mbadlanyana, Parliamentary Researcher, stated that he would briefly focus on the key issues where he believed the Committee should focus. The hearings on the Annual Report stated that the IPID provided high quality services that were economical, efficient and effective in nature. It was imperative for the Committee to ensure that the services rendered by IPID were in line with IPID's constitutional mandate, strategic plans, and budget. Measures should also be in place to improve IPID's future performance.

He stated that the strategic overview of IPID was to ensure independent oversight over the South African Police Service (SAPS) and the Municipal Police Services (MPS), and to conduct independent and impartial investigations of identified criminal offences allegedly committed by members of SAPS and the MPS, and make appropriate recommendations. The vision of the IPID was to promote proper police conduct in accordance with the principles of the Constitution. The mission of the IPID was to be an effective, independent and impartial investigating and oversight body that is committed to justice and acting in the public interest while maintaining the highest standards of integrity and excellence. The IPID aspired to adhere to the highest standards of ethical behaviour, integrity and the continuous application of its values.

The 2014/15 financial year marked the third full financial year in which the IPID operated under its mandate as set out by the 2011 IPID Act. IPID was still engaged in the re-alignment of its systems and processes to the new mandate. This was so partly because, previously, there was a misalignment of the budget with the organisational structure and priorities. This meant that the IPID's available budget did not address the demands of the job it was mandated to carry and it would need to fill all vacant positions. At the inception of the former Independent Complaints Directorate (ICD), the Department of Public Service and Administration (DPSA) determined that the ideal human capacity of ICD should be 535 posts. However, the human capacity was currently at 393 posts. This really put pressure on the small pool of investigators who had to deal with the heavy workload.

Furthermore, during the previous financial year, there was a leadership vacuum for most of the year until nine Provincial Heads, three Programme Managers and the Chief Director of Investigations and Information Management were appointed. These appointments went a long way in returning a semblance of leadership and stability to the organisation.

In order to capacitate and strengthen the oversight functions of the IPID and ensure that it met the expectations of its legislative mandate, the National Specialised Investigative Team was established during the reporting period, and it assumed duty in June 2015. Nonetheless, notwithstanding these commendable strides to imbue confidence, increased efficiency and effectiveness to the operations of the IPID, capacity still remained a challenge for the organisation.

The strategic medium-term priorities identified as the areas of focus for the year of 2014/15 were: filling of all senior management positions; establishment of a consultative forum; establishment of the integrity management and protection unit; continued refocus of the IPID from a complaints driven institution to an investigation driven institution; training capacity building of investigators; development of personnel performance management systems; obtaining an unqualified audit; establishment of a consultative forum to conduct public education; reviewing the delegation of functions in terms of human resources and finance; identification and investigation of systemic corruption cases.

There were a number of challenges faced by the IPID as identified in the 2014/15 Annual Report. These challenges were: human capacity deficiencies and huge work load; vacancy rate; lack of resources and investigative equipment; supply chain challenges; limited funding; and limited district offices and vast distances.

Mr Mbadlanyana suggested that the Executive Director of IPID should suggest possible innovative ways in which to mitigate the above-mentioned challenges. The IPID should explain the strategies it had devised to address high vacancy rate. The IPID should also explain when Supply Chain Management (SCM) officials would be fully trained on all SCM processes and systems.

In respect of the appropriation statement for the IPID, the organisation had received a final appropriation of R234.7 million in 2014/15 financial year compared to R216.9million for the 2013/14 financial year. During the adjustments period, the IPID's main appropriation had not been adjusted, thus the total adjusted appropriation remained the same as the final/main appropriation for the 2014/15 financial year. Two main concerns could be highlighted at the end of the third quarter of the 2014/15 financial year. The first was the issue of 'lowest spending' which concerned the fact that underspending was notable in respect of all the four programmes operated by the IPID. The other concern was the high vacancy rate which was reflected in the fact that there were high vacancies within the Investigation and Information Management programme, especially for investigators and at the senior management level.

There were several findings of the Auditor-General of South Africa (AGSA) on the financial statements of the IPID. Firstly, the financial statements of the IPID submitted for auditing were not initially prepared in accordance with the prescribed financial reporting framework and supported by full and proper records. The material misstatements of disclosure items identified by the auditors in the submitted financial statement were subsequently corrected and the supporting records were provided subsequently, resulting in the financial statements receiving an unqualified audit opinion. In terms of the internal audit function of the IPID, the AGSA stated that the function did not evaluate the reliability and integrity of financial and operational information, as required by Treasury Regulations. In terms of leadership, the report stated that there was lack of effective oversight by management with regards to processes that ensured compliance with laws and accuracy and completeness of financial information reported. In terms of financial and performance management, the report indicated that the management did not have adequate processes in place to ensure the accuracy of financial information required. In terms of investigation, the matter regarding the lease contract of the City Forum Building from the prior year was still under investigation by the Special Investigating Unit.

Independent Police Investigative Directorate briefing

Mr Israel Kgamanyane, Acting Executive Director, IPID, introduced the members of the delegation from IPID. He confirmed that, in relation to its financial performance, IPID received an unqualified audit opinion and had 9% budget expenditure. On non-financial performance, the reported overall performance was not satisfactory. One of the contributing factors was IPID's focus on measuring efficiency over effectiveness. There was a slight improvement in overall achievement of targets from 27% in 2013/14, to 44% in 2014/15. However, some of the key highlights included: realignment of the organisational functions and structure; the provision of oral legal advice to investigators during and after investigations; and, vigorous stakeholder engagements. The Programme 2 performance presented two perspectives: "efficiency" and "effectiveness". Concerning efficiency, the "within 90 days" clause evident in the indicators and targets resulted in under-performance. Concerning effectiveness, this was evident in the higher percentages associated with achievement of some targets at the end of the financial year but not necessarily within 90 days.

The comparative analysis of case management indicated that there was:

- an increase in overall case intake of 2% from 5 745 (2013/14) to 5 879 (2014/15)
- a decline in completion of cases from 58% in 2013/14 to 48% in 2014/15
- a decrease in criminal convictions, of 30%, from 83 (2013/14) to 58 (2014/15)
- an increase in disciplinary convictions, of 45%, from 138 (2013/14) to 200 (2014/15).

Some of the notable or high profile cases dealt with in the period under review included the investigation of the "Rendition" case. This case was still with the National Director of Public Prosecutions (NDPP) awaiting a decision. In relation to the Panday case, this case was still with the NDPP awaiting a decision. In the investigation into the National Commissioner, the NDPP had declined to prosecute. In the Mpumalanga Pilgrims Rest Investigation, the outcome was that there was a conviction on three counts and a sentencing of 15 years imprisonment. In the Free State "Rambo Squad" Investigation, this matter had been remanded to 16 & 17 November 2015 for further trial. Lastly, the implications of the Farlam Commission's recommendations on IPID's mandate was that there should be an implementation plan that would establish a Marikana Task Team and adequate staffing and resourcing of the IPID.

Mr Patrick Setshedi, Acting Chief Financial Officer of IPID, dealt with the issues concerning the annual financial statements. He stated that the basis of preparing the financial statements was the Modified Cash Standard prescribed by National Treasury and the requirements of the Public Finance Management Act (PFMA). The annual financial statement contained the statement of financial performance, statement of financial position, cash flow statement, appropriation statement, and supporting notes, disclosure notes and annexures.

The spending trends of the IPID showed that the overall spending performance for the period ending March 2015 was 99%, which was an improvement compared to 89% in the prior financial year (2013/14). In total the IPID reported 1% under spending, mainly in respect of legal services due to delay in filling of the funded vacancies which included the programme manager (the positions were subsequently filled). 62% of the total budget allocation was allocated to investigation and information Management. Although the bulk of the expenditure was reported in last quarter of the year under review, intervention by management to improve the spending trends had made a positive contribution on the overall spending patterns of the programmes the IPID. The bulk procurement that was planned mainly to address the unavailability of investigative equipment, which in some cases affected the work of the investigators, was successfully implemented. The Department was certain that the procurement of machinery and equipment had been addressed adequately and so the current year's allocation was reallocated to compensation of employees in order to strengthen the investigative capacity. Various mechanisms, including spending plans with target dates, were effectively implemented subsequent to the appointment of key responsibility managers, including the nine provincial heads. The process of filling key positions was concluded in the middle of the financial year, and so full implementation of operational plans, including the bulk of procurement, happened towards the end of the year following various consultation processes.

The IPID did not incur unauthorised expenditure in the year under audit. The reported amount in IPID's books was made up of the prior over expenditure in the financial year 2008/09 and 2005/06 respectively. At the reporting date, the approval for authorisation had not yet been granted. Engagements with National Treasury had made progress in addressing the reported amount.

In relation to irregular expenditure, there was an amount of R4 293.24 raised in the current financial year that related to the use of prohibited service providers. The referred service providers had since been removed from IPID's supplier database to avoid recurrence.

IPID had incurred fruitless and wasteful expenditure, including an amount of R2 836.53 interest in various Telkom monthly payment transactions. There was also an over payment identified due to miscalculation of VAT on a supplier invoice. The identified amounts were reported in the IDIP's 'fruitless&wasteful' expenditure register for further internal investigation, to determine the cause and the required action. After the end of the reporting date, and subsequent to the appointment of the Acting Executive Director in 24 March 2015, various policies were approved in April and May 2015. The Programme Manager for Legal Services and Programme Manager for Compliance Monitoring and Stakeholder Management were appointed, respectively, on 1 April and 1 May 2015. The Programme Manager: Investigation and Information Management and Provincial Head for Limpopo were both put on precautionary suspension with effect from 22 May 2015.

He repeated that AGSA had given an unqualified audit opinion obtained. In respect of the reliability of reported performance information, the AGSA did not identify any material findings. Commenting on the internal controls and non-compliance, AGSA observed that there was a lack of independent review of the annual financial statements by internal audit. It was also observed that material adjustments had been made to the financial statements.

IPID acknowledged that the matters emphasised by AGSA were pretty much the same as those raised in the previous audit. This confirmed that IPID's efforts to address the reported matters were not enough, and so the strategy had then been reviewed. Intervention measures included the appointment of Director of Internal Audit and other Audit practitioners, in order to capacitate the Internal Audit component. IPID developed a suppliers payment strategy, with the intention of centralising the invoices for better management and control. There was full implementation of the system generated orders for procurement of goods and services, and presentation of monthly and quarterly expenditure reports, highlighting over/under expenditure, to the management committee meetings, in order to evaluate the spending trends.

Mr Vincent Sibanyoni, Acting Chief Director: Corporate Services, IPID, gave an overview of the IPID's non-financial performance. He stated that the key achievements were in respect of an approved retention policy and approved career management strategy. IPID had exceeded its target in respect of a number of performance indicators such as: number of media statements released annually; number of responses to media enquiries released annually; and number of performance monitoring and evaluation reports submitted to ensure attainment of strategic objectives. It had succeeded in achieving its targets in respect of the number of financial and strategic reports submitted for reporting; approved retention policy; developing an ICT Plan; producing ICT governance quarterly reports; number of reviews of organisational structure; and number of environmental assessments conducted. IPID failed to meet its target in respect of issues such as: lowering the vacancy rate; increased percentage of females at senior management level; and increased percentage of staff complement consisting of people with disabilities.

To overcome areas of under-performance, the IPID had decided to execute a number of plans, some of which he highlighted. It had

developed a Recruitment Plan to address the problem of high vacancy rate, with the aim of keeping it below 10%. It intended to implement the approved "Retention Strategy" and "Career Management Strategy". It would implement an "Employment Equity Plan" for gender equity and representation of people with disability, in line with statutory requirements;

Mr T Kgomo, Acting Chief Director: Investigations & Information Management, IPID, gave an overview of the IPID's investigations and information management. IPID had succeeded in achieving its targets in respect of such performance indicators such as: the number of statistical reports generated on the number and type of cases investigated, recommendations made, and the outcomes thereof; and the percentage of investigations of rape while in police custody within 90 days.

However, the organisation had failed to meet its targets in respect of other performance indicators such as: the percentage of cases allocated within 72 hours of receipt; the percentage of investigations of deaths in police custody completed within 90 days; the percentage of investigations of deaths as a result of police action completed within 90 days; the percentage of investigations of discharge of an official firearm by a police officer completed within 90 days; the percentage of investigations of rape by a police officer completed within 90 days; the percentage of investigation of torture completed within 90 days; the percentage of investigations of assault completed within 90 days; the percentage of investigations of corruption completed within 90 days; the percentage of investigations of other criminal and misconduct matters referred to in Section 28 (1) h and Section 35 (1) b of the IPID Act; the number of cases of systemic corruption identified for possible investigation approved per year; the percentage of approved systemic corruption investigations completed within 12 months; the percentage in annual reduction of backlog of investigations (excluding cases of systemic corruption); and the criminal recommendation reports referred to the NPA within 30 days of completion.

The most notable reasons for the non-achievement of targets were lack of capacity and long distance travel involved in carrying out investigations, more especially in provinces with remote areas. One of the strategies to overcome these areas of under-performance was the issuing of the "ED Directive No. 10 of 2014". Another strategy to be employed was an initiative in the 2015/16 financial year that would entail implementation of the Turnaround Strategy to address under-performance.

Ms Marianne Moroasui, Chief Director: Legal Services, IPID, gave an overview of IPID's legal services programme. Despite the fact that the programme was operating with one Acting Director and a Secretary for the year, the component still managed to exceed the requisite targets in two indicators – namely, the provision of oral legal advice within 24 hours to investigators; and the finalisation of legal and civil litigation. The fact that it was able to exceed these had enhanced the quality of investigation, which was the core mandate of the Directorate, had ensured that there were no adverse findings against the Directorate, and had minimised the compensation against the already limited budget of the Directorate.

She moved on to deal with the performance information for 2014/15 in respect of legal services. The performance indicators in which the IPID had failed to achieve its targets were in respect of the following: percentage of contracts and service level agreements finalised within 30 working days of request; percentage of legal opinions provided to the directorate within 21 working days of request; percentage of policies reviewed for legal compliance within 21 working days of request; number of practice notes and directives (bulletin) produced and issued; percentage of legal advice provided to investigators within 24 hours followed by written advice within 48 hours of request; percentage of written legal advice provided within 48 hours of requests; percentage applications for policing powers processed within 5 workdays of request; and percentage of Promotion of Access to Information Act (PAIA) requests processes and finalised within 30 days.

The performance indicators in respect of which the IPID had managed to achieve its targets were: percentage of legal and civil litigation matters attended to; and percentage of legal and labour litigation matters attended to.

The most notable reason for non-achievement of targets was lack of capacity. Strategies to overcome areas of under-performance included: filling of all vacant posts; regular engagements with all internal stakeholders in order to enhance the programme's visibility, creating awareness and strengthening relations; adjustments to the annual target on "number of legal workshops conducted" from 12 to 4.

Mr Mamodishe Molope, Chief Director: Compliance Monitoring and Stakeholder Management, gave an overview of IPID's Compliance Monitoring and Stakeholder Management. The key highlights included the focus on creating public awareness within the communities; organising extensive engagements with various stakeholders such as Community Policing Forums (CPF), SAPS, MPS, NPA, and Parliament. In total 200 stakeholder events were attended, exceeding the target of 160.

The performance indicators in respect of which the IPID had failed to achieve its targets included the number of community outreach events conducted per year; and number of community policing forum meetings attended per year. However, the IPID had been able to achieve its targets in respect of the number of formal engagements with key stakeholders held annually; number of formal engagements conducted at Provincial level with key stakeholders annually; and number of reports on the evaluation of quality of IPID recommendations per year.

The most notable reason for non-achievement of targets had been inadequate capacity. The strategy to overcome areas of under-

performance included prioritisation of resources and more focus on investigations; and target adjustments in the area of community outreach events.

Mr Kgamanyane concluded that IPID intended to improve its performance through the achievement of its strategic goals, strategic objectives and planned targets. It was committed to initiating corrective measures for the purpose of performance improvement. These measures included measuring IPID's effectiveness in the annual performance plan and using operational plans for measuring efficiency. It had a strategy and plan to address the backlog and expedite cases. It would be implementing the retention strategy, to address the high vacancy rate and re-engineer business processes.

Discussion

The Chairperson observed that the audit report of the AGSA in respect of the IPID's financial year stated that the organisation's financial statements and performance report contained material misstatements. It had also been observed in AGSA's audit report that there was ineffective leadership at IPID. He asked how IPID intended to resolve the issues.

He further observed that IPID's Annual Report reflected that the staff of the IPID had been awarded performance bonuses in the ratio of 42%. If the IPID had received a clean audit from the AGSA with no material issues, then such bonuses would have been justified. However, he believed that the existence of material misstatements in the financial statements and performance report of the IPID nullified any arguments for the award of such bonuses, and the fact that they were awarded was not acceptable.

Ms M Molebatsi (ANC) asked how far the IPID had gone with the case of City Forum Building and when it could be hoped that the case would be finalised.

She observed that IPID's presentation reflected that the case involving the investigation of the National Commissioner of SAPS had been declined by the NDPP. She asked if this meant that the case had become moribund.

Mr Z Mbhele (DA) observed that there had been recent media reports that suspension orders and internal action had been taken against three staff members of the IPID, and the media suggested that this was an alleged purging of the loyalists of Robert McBride, the suspended Executive Director of the IPID. He requested more detail on this.

He observed in respect of the presentation that there had been an increase in the number of cases received by the IPID, yet there had been a decline and failure of the IPID in meeting its target of finalising them, and he asked for an adequate explanation concerning why the target could not be met.

Mr P Groenewald (FF) stated that a great number of the performance indicators reflected under performance and that numerous targets had not been met, and he shared the Chairperson's concerns how performance bonuses could be justified.

Mr Kgamanyane responded that, *in relation to the material misstatements in its annual financial statement, IPID would consider securing assistance from the National Treasury, or from external consultants.*

In relation to the decision of the NDPP not to prosecute . Another alternative was to consider the services of external consultants as a form of assistance.

Concerning the question in respect of the decision of the NDPP to decline the prosecution of the National Commissioner of SAPS, he stated that there was, however, a mention that departmental steps could be taken by IPID, hence the matter was referred to the Minister to proceed with the IPID on the case.

In respect of the question concerning the alleged suspension of three members of the IPID, he replied that the issue was in relation to their pro-actionary transfer and not suspension. He stated that there were two disciplinary methods applied by the IPID: the first was to suspend the staff member; the second was to opt for a pro-actionary transfer of the staff member. The three members had challenged their transfer but the Court ruled that it was in order, and they had resumed working where they were transferred.

The Chairperson wanted to know who authorised the award of the performance bonuses.

Mr Kgamanyane stated that most of the delegation from IPID were only appointed around April 2015, and were not in office at this time. The previous Executive Director, now suspended, had approved those bonuses, although he admitted that this was not a proper explanation. He asked that the Committee should bear in mind that the current team could only be judged on performance from 2015.

Mr Groenewald acknowledged that the present Acting Executive Director and his team were working in an 'acting' capacity, this was not acceptable to IPID should not be held accountable.

Mr Sibanyoni, representative IPID, attempted to reply, and thought that the performance bonuses in question in fact related to the 2013/14 financial year, and no bonuses for 2014/15 had yet been paid.

The Chairperson interjected and disagreed, pointing out that the records as presented by the IPID's accounting officer reflected that the bonuses were in respect of the year 2014/15 and not 2013/14. The conflicting statements were serious and unacceptable.

Mr Groenewald demanded an explanation that would resolve the question of when those bonuses were awarded. If the bonuses were indeed for 2013/14 it was incorrect and misleading to tell Parliament they were for 2014/15.

Mr Setshedi of IPID attempted to clarify and said that although the performance bonuses related to performance of 2013/14, they were paid in the 2014/15 year, and therefore reported in this Annual Report.

The Chairperson then wanted to know whether bonuses had been approved for the 2014/15 performance.

Mr Kgamanyane replied that the review committee was still busy evaluating the amount of the performance bonuses for 2014/15. The process would probably be completed at the end of the month.

The Chairperson stated that the Committee was not impressed with the performance of the IPID. He frowned upon the current process for the award of performance bonuses to the IPID, because it was clear that the organisation was not producing any performance that justified the award of such bonuses. If there was no improvement in the performance of the IPID and if targets could not be met, then it was problematic and difficult for the Committee to condone the approval of performance bonuses.

Mr Groenewald requested that the IPID should provide the names of the members of staff that received the performance bonuses, and the specification of what each member received.

The Chairperson agreed and called for this information to be submitted early.

Ms Moroasui replied to the question concerning the City Forum building. An intergovernmental understanding had been agreed between the Department of Public Works (DPW) and the IPID. IPID had furnished the DPW with a notice of an intention to vacate the building in 2012. The process would take 18 months to finalise, and would terminate sometime in the fourth quarter of 2015. IPID was in the process of arranging a meeting with DPW in order to finalise the matter.

Ms Molebatsi asked when the case would be finalised.

Ms Moroasui replied that she could not state the precise time the matter would be concluded, until the IPID had met with the DPW.

Civilian Secretariat for Police (CSP) 2014/15 Annual Report

Committee Researcher's analysis

Mr Mbadlanyana stated that the CSP had acknowledged, in its Annual Report for the 2014/15 financial year, that it had encountered challenges in its performance and organisational environments. In respect of its performance environment, the CSP had experienced challenges in the following areas: expenditure, legislation and policy development, audit reports, legislation implementation monitoring reports, public participation programmes, community policing training programmes, and development of information management systems. In respect of its organisational environment, the CSP had encountered challenges in the following areas: designated department, internal logistical challenges, resignation of the Chief Financial Officer, and salary upgrade.

He noted that the Committee had made some recommendations around the financial performance of the CSP, and its programmes. It had recommended, for the Programme: Administration, that the CSP should implement a major turnaround strategy for reducing under-expenditure in the organisation. The Committee recommended that the CSP should set up its own financial systems and present what steps it would be taking to make sure that its financial structures and accountability were in place. In respect of the CSP's programme of partnerships, the Committee recommended that the policy and funding model for community police forums should be finalised by the end of the 2014/15 financial year. The Committee also recommended that the CSP should make available its research findings on the efficacy of the Rural Safety Strategy and ways to improve the implementation by the end of the financial year.

For CSP's programme of policy and research, the Committee recommended that the CSP should develop policies for incorporating the work of IPID and the Police Inspectorate as part of its oversight responsibilities and report on such progress at the end of the financial year. In respect of the CSP's programme on legislation, the Committee recommended that the additional staff in the legislation programme be appointed without any delay. It was clear that the legislative programme was crucial for the programme of Parliament and the Committee expected a full report on the filling of posts by the end of the financial year. The Committee further recommended that all the outstanding legislation be fast-tracked by the CSP and a progress report be provided on a quarterly basis.

The AGSA's report on the CSP's performance for the 2014/15 financial year highlighted a number of issues. The CSP received a qualified audit opinion, with emphasis of matter, there was non-compliance with legislation, procurement and contract management. Comments were made on human resource, audit committee, internal audit, and leadership, irregular expenditure, unauthorised

expenditure, and underspending.

Civilian Secretariat for Police briefing

Mr Alvin Rapea, Acting Civilian Secretary for Police (Secretary), admitted that the CSP was not proud to present a qualified audit report. The period under review was in the election year which resulted in a change in the administration.

Ms Bilkis Omar, Chief Director: Policy and Research, CSP, gave the first part of the presentation. She stated that the mandate of the CSP was derived from the 1996 Constitution and the CSP Service Act, 2011 (the Act). The broad mandate of the CSP was to provide the Minister with policy advice and research support; develop departmental policy through qualitative and evidenced based research; provide civilian oversight of the Police Service through monitoring and evaluating overall police performance; mobilise role-players, stakeholders and partners outside the department through engagements on crime prevention and other policing matters, and provide other support services to the Minister in pursuit of achieving his/her mandate.

The Act was promulgated in December 2011, with the exception of the provision relating to the CSP becoming a designated department and the Secretary of Police assuming accounting officer responsibilities. On 1 April 2014 the CSP was established as a designated department and the Secretary assumed the responsibilities as the Accounting Officer. This entailed the CSP becoming a stand-alone department, independent of the SAPS, and with responsibility for developing its own policies, procedures and systems. The vision of the CSP was to achieve a transformed and accountable police service that would reflect the values of the developmental state. The mission was to provide an efficient and effective civilian oversight over the SAPS and enhance the role of the Minister.

The strategic goals of the CSP were: a well advised and supported Minister for a service delivery oriented police service that is accountable; quality, timeous, evidence-based strategic research, policy advice and legislative support to the Minister; deepened public participation in the fight against crime; enhanced accountability and transformation of the police service.

The work of the CSP was guided by the outcomes of the Medium Term Strategic Framework (MTSF) – namely: Outcome 3: All people were and felt safe; Outcome 12: An efficient, effective and development oriented public service which would have a direct impact on CSP's work; Outcome 14: Nation building and social cohesion, which had an indirect impact on CSP's work. The CSP links to the National Development Plan included: strengthening the criminal justice system; professionalisation of the police service; demilitarisation of the police service; and building safety using an integrated approach.

In the year under review, the CSP was committed to a number of goals, more fully described in the attached presentation. They covered the HR management, corporate governance, financial services, performance of strategic risk based audits and consulting services directed at improving the effectiveness and efficiency of the Department of Police operations, strategic collaborative partnerships between intergovernmental civil society and public partnerships, gaining community involvement and a good legislative framework. The CSP had been able to achieve 82% of its targets while it had underachieved by 18%.

During the period under review, the CSP accomplished the following: migrated from a cost centre of SAPS to a designated transfer department; complied with all administrative obligations regarding compliance to oversight bodies; ensured that all programmes were in line with the key policies and mandates of the CSPS Act, NDP, Outcome 3, and the MTSF.

In terms of the CSP's programme of Administration, the department management was able to achieve 100% of its targets. The department of Corporate Services was able to achieve 86% of its targets while it had underachieved by 14%.

There were 114 approved funded posts. 107 of the posts had been filled which meant that the CPS had achieved 94% of filled post in the approved establishment. There were 7 vacant posts which meant that only 6% of the posts were vacant. The critical posts not filled were Director IT, Secretary of Police and Chief Financial Officer (currently acting appointments).

Ms Omar moved on to the key audit findings and the corrective measures in respect of the programme of administration. The first finding was that employee credential verifications on appointment were not carried out and here the corrective measure was that CSP was participating in a Department of Public Service and Administration (DPSA) transversal contract with South African Qualifications Authority (SAQA), with a view to verifying qualifications of newly appointed staff with effect from April 2015. The verification of qualifications for current employees had commenced.

The second finding was that the HR plan was not aligned to the MTEF; the corrective measure was that provision in the new proposed structure had been made for a Vetting Officer who would work closely with the State Security Agency to ensure that candidates were vetted prior to appointment. All senior managers appointed had security clearance and the process for vetting all non-senior managers was currently under way.

The third finding was that the audit committee had not been in place for the first 7 months of the financial year; the corrective measure was that the CSP had put effective systems in place to ensure that the Audit Committee met regularly as prescribed by the PFMA. During 2015/2016 the Audit Committee had met three times, as well as for an additional special meeting.

For the Office of the Chief Financial officer (CFO), 100% of the targets had been achieved.

CSP was assisted during the largest part of the 2014/15 financial year by the SAPS to process the human resource, financial and supply chain transactions on their systems. This enabled the CSP to put in place its systems, procedures and policies, in order to migrate to its own financial, supply chain and human resource transversal systems. The biggest challenge was the finalisation of the agreements and implementation of the virtual private network of the CSP through State Information Technology Agency (SITA). There was an overall spending improvement of over 10% and more efficient spending patterns compared to previous financial years, as the functions and staff complement of the CSP moved towards its expected levels. ICT Application Systems had been developed in consultation with National Treasury and SITA.

The key audit finding in terms of the office of the CFO was that records of commitments were not adequate. The corrective measures adopted to deal with this finding was that procedures and processes had already been put in place; and the finance division would keep a register of all commitments. Another finding was that the record of accruals was not adequate. The corrective measure adopted to deal with this finding was that procedures and processes were being developed.

In terms of CSP's programme of inter-sectoral coordination and strategic partnerships, 92% of the targets had been achieved while 8% had been underachieved. There had been poor stakeholder participation and commitment in attending national task team meetings of Community Safety Forums (CSFs). The SAPS sector policing policy implementation was being assessed by the CSP Monitoring and Evaluation team. A summit was also hosted to implement interventions to address challenges and blockages of the SAPS Rural Safety Strategy. The summit replaced the two assessments which were planned. Not all of the planned public participation meetings were held due to the 2014 general elections. Training programmes could not be implemented in two provinces due to other commitments of the provinces.

In terms of the CSP's programme of policy and legislation, only 22% of the targets had been achieved while 78% were not achieved. Non-achievement of targets was due to factors that were beyond the control of the CSP. There were certain developments in respect of some legislation that were under consideration. The Regulations under the Private Security Industry Regulation Amendment Act, 2013 were not drafted as the Amendment Act had not yet been assented to by the President. Substantial work was done and the Firearms Control Amendment Bill, 2014 and the National Critical Infrastructure Protection Bill were prioritised ahead of the other Bills. The Firearms Control Amendment Bill, 2014 was drafted and submitted to Cabinet in October 2014. This version of the Bill was distributed to accredited firearm associations for comment. A further revised Firearms Control Amendment Bill, 2015 was drafted and submitted to Cabinet in February 2015. Following a presentation to Cabinet, this revised Bill was published in the Gazette for comment in March 2015. The National Critical Infrastructure Protection Bill(to replace the National Key Points Act) was drafted and submitted to Cabinet for consideration. Cabinet had requested further work to be done on the Bill. The re-prioritisation of the Bills had resulted in the deferment of the remaining Bills. The Draft Animal Movement and Produce Bill (to repeal the Stock Theft Act) was prepared and subjected to internal consultation. Further revisions might need to be made to the Bill following broader stakeholder consultation. The Draft Protection of Constitutional Democracy and Related Matters Bill was prepared and consulted with departmental stakeholders. The further processing of the Bill was dependent on the outcome of a constitutional challenge on certain provisions of the Act. In respect of the Review of the South African Police Service Act, 1995, the finalisation of the review was dependent on the approval of the White Paper on Police. As part of the process to review the Act and align it with the Constitution and the NDP, diagnostic workshops on the Act were conducted with provincial departments of safety and civil society organisations. Finalisation of the White Paper on Police was delayed to ensure alignment with the White Paper on Safety and Security. Cabinet had requested that both Papers be presented together to avoid confusion between them.

One of the key audit findings in terms of policy and legislation was that performance targets were neither specific nor well defined. The corrective measure for this finding was that new performance targets with clear definitions and specificity would be developed for the required level of performance. The other finding was that reports were drafted but not signed off by the Secretary. The corrective measure was that the need for the Secretary's signature to denote finalisation of reports was noted, and would be addressed in the future.

In terms of civilian oversight, monitoring and evaluation, 63% of targets had been achieved while 37% were not achieved. Achievements relating to station visits happened as a result of the provincial departments conducting more visits as per demand. Most reports were finalised but not signed by the Secretary at the end of the financial year. However, agreed process flow protocols had been put in place to address this. In a few of the indicators, more reports than planned for were submitted as a result of demands. There were delays with regard to the implementation of oversight recommendations, due to SAPS implementation plan not being received. Engagement letters to SAPS would be signed on an annual basis to address this.

A key audit finding in respect of civilian oversight, monitoring and evaluation was that some information on the monitoring tools was not accurately captured. The corrective measure for this finding was that quality assurance would be conducted by line managers to ensure that all tools were fully completed and signed off by station management. The other finding was that CSP did not have proper systems to validate information. The corrective measure for this finding was that quality assurance protocols (validation certificates)

would be developed for verification of information by all managers and Provincial HODs. Provincial HODs would be expected to submit signed off reports with the validation certificates. Furthermore, discussions with SITA on the hosting of CSP Information Management System (IMS) systems were under way.

Discussion

The Chairperson agreed with the earlier statement of *Mr Rapea* that the CSP's report was unimpressive because it was qualified, and particularly because the AGSA had earlier found that there were material misstatements. He also made reference to the unachieved targets of the CSP and ineffective leadership. He asked if the CSP felt it had the right management or organisational team now to achieve the targets and goals.

Ms Molebatsi asked why the CSP had unfilled vacancies. She further asked how the CSP intended to fill those vacancies.

Ms M Mmola (ANC) referred to the audit findings in respect of the legislation and policy development. She asked why the Secretary had failed to do sign off the reports. She also asked for clarification on the "factors that were beyond the control of the Department" cited for failure to meet some targets.

Mr Rapea stated that the CSP had just recently engaged a Chief Financial Officer with glowing qualifications who would immediately be resuming duties at the organisation. This showed that there was progress in ensuring that efficient and qualified people were being taken on board the organisation to enable it to meet its targets. The CFO would also be useful in advising the CSP what additional actions would be needed to deal with the issue of misstatements in the financial statements.

The Chairperson interjected and repeated his question whether there was an efficient team that would be able to address the performance issues relating to the unachieved targets of the CSP. He felt that this reply was inadequate.

Mr Rapea replied that the CSP was in the process of building "a formidable team" to fully address the issues. He stated that the CSP would be conducting its strategic planning session in November 2015 and only after then would he be able to categorically answer the question.

The Chairperson stated that he was very interested in seeing that the issues related to material misstatements and unachieved targets would be effectively dealt with. He commented that there was a possibility that the CFO who was expected to resume at the CSP might renege on the agreement to resume duties at the organisation. He asked whether the CSP had an alternative plan if such a situation was to arise.

Mr Rapea replied that the CSP did not have an alternative plan, but, given the remarks now by the Chairperson, it would think about this and perhaps consider whether the National Treasury would be able to offer some assistance in that eventuality. He stated that even upon the assumption of duties by the CFO, the CSP would still require additional support.

Mr Rapea further replied to the question on vacant posts within the organisation. It was indeed ideal for the organisation to have all positions filled if it wanted to run efficiently and effectively. Attempts had been made to fill the vacant positions, but the reality was that the CSP had experienced an over-expenditure and inadequate funds in the current financial year and thus it would be advisable to wait until the financial situation had improved before such vacant posts were filled.

Ms Molebatsi acknowledged the explanation given by *Mr Rapea*, but sought confirmation that there would at least be a reduction in the number of vacant posts at the CSP.

Mr Rapea replied that the vacancy rate at the CSP was not that bad when compared to rest of the public service. He stated that the current regulation was that the vacancy rate in any public entity should be kept below 10%, but CSP currently had a lower rate of 6% which meant that it was still within the ambit of the regulation. However, the CSP would still seek to fill the vacant posts.

Ms Florence Matuoma, Acting Chief Director, CSP, replied that the past Secretary had probably failed to sign off reports due to an oversight and that it had probably occurred as a result of the feverish preparations being made to get the Annual Report ready. She apologised for the omission and gave an assurance that the CSP would ensure that the error did not arise again.

Mr Rapea added that the CSP was putting in place a uniform process to ensure that all documents were in order before they were sent out by the organisation. This process would also ensure that the staff members who failed to ensure that all documents were in order would face certain penalties.

The meeting was adjourned.

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